

March 16, 2020
High Security Closed Penal Institution
No.: 2 of Elaziğ Province Ward
Number D-17

This letter;

has been penned as the silent cry of a man of law and advocate who has completed 25 years in his professional life filled and who currently lives an isolated life; in a single-person ward in the dimensions of a henhouse under captivity since 50 months which has not been heard -in fact which has been ignored and acted as if not hearing- by the courts, the Supreme Court and Turkey Bar Association and the Bar Association of Malatya Province of which he is a member and which, as a duty, have to protect and defend the rights of a person arising from his profession...

In this letter;

a story -dismissal and denial of which is not possible since it is based on approved and official documents and evidences- of a legal murder that will not fall off the agenda for months to initiate a wave of investigations, dismissals and resignations, even in countries where law and democracy is at a minimum level, will be told.

This letter;

has been penned in order to condemn and impose those who violate the universal law –which is the common denominator of humanity-, human rights, fundamental rights and liberties by committing with criminal acts, which is a crime at the same time, for the sake of personal interests and political rent and in order to convict them in the conscience of human rights, in terms of human rights and law and to make a note thereof in history...

The story of the silent cry which since 50 months which has not been heard by the courts, the Supreme Court and Turkey Bar Association and the Bar Association of Malatya Province of which I am the member due to unknown reasons and for which they have shut their eyes and ears so as not to see and hear,

The story of the silent cry!

1) On 27/01/2016 I went to my client's house after a phone call. The police had come for search, seizure and detention based on the court order. I supervised the search with my capacity as a lawyer. The search and preparation of the search report was recorded by camera. I signed the search report with my capacity as a lawyer together with 7/8 (seven or eight) police officers, including some police chiefs, on 27/01/2016 at 7:55 hours. I made an annotation on the search report that the search was illegal. The search report is available in the search file... The search performed at my client's house was made within the scope of the Malatya Chief Public Prosecutor's file number 2016/1722...

My phone rang while I was heading police department with my car in order to provide legal assistance to my detained client and they said they were calling from the police department and I told them that I was on the road to the police department. This was all the phone conversation... Please pay attention: I was detained 65 minutes after the preparations of the report, on 27/9/2016 at 9 o'clock as a suspect upon the instructions of the prosecutor within the scope of the same file by the police chiefs with whom we just signed the minute...

Although I demanded by warning that the records/writing of the telephone call made from the police department should be wanted from the police department with the petitions submitted to my file by my lawyers within the scope of the investigation otherwise, this evidence, which is very important will be destroyed, and if this evidence is not reached in the future all the legal and criminal responsibility would belong to the prosecutor but this evidence was not collected in some way. This demand, which was repeated during the prosecution and appeal phases, was ignored and not fulfilled...

Although I thought that I was called to the police department for my client by the police when I realized that my insistent demands that I wanted to see my client in the police department were rejected and I was being not told the truth I understood that something was wrong basing on my professional knowledge and experience and that I would be detained... I immediately called 155 -the police emergency number- with my own cell phone and complained about the investigation prosecutor and I was detained after this call. I already stated this issue in my detention report... I also wrote an objection annotation under this report...

It is certain and undoubted that on 27/01/2016 until 7:55 when I was part of the file as a lawyer and more precisely until 9:00 when I was detained, there was no decision of arrest, search, detention and seizure for me and my name was not mentioned in the file as a suspect...

I learned in the police department that the legal basis and the grounds of the investigation file number 2016/1722 was the statement given by an employee namely the tea maker of the company, of which I was conducting legal consultancy works, who came to the police department on the date of 26/01/2016 at 6 o'clock according to the assertion of the police department and this person's name was Mehmet Tanriverdi...

In other words, this was the person who 15-20 days before the date of the investigation, stated to me that he was under pressure and threatened and was forced to make statement against innocent people (together with another company employee) and who gave a power of attorney to be his lawyer by his hand writing and signature in order that I would initiate a legal process and who signed my attorney's statement and made me payment officially... In other words my client...!!!

Statement of this person -who was said to come to the police department by himself on 26/01/2016 at 06:00 o'clock in the morning- was taken on the same day until 16:45 and after 16:45 the prosecutor demanded search, arrest, detention and confiscation from the judge of the penal court of peace on the same day and the judge accepted these requests and the police started the operation on 06/27/2016 at 06:00 in the morning.

At this stage, the transactions described in the file with more than 10 suspects (I am not suspicious in the file at any of these stages) were made at an extraordinary speed of 24 hours...

Mehmet Tanriverdi's own handwritten and signed statements the report which is kept and signed in accordance with the relevant article of the Law on Attorneyship in the domestic law, the attorneys' fees contract, the fee payment receipts are submitted to the file and their contents are also recorded by the prosecutor's office. In addition, it was stated in the report of the hearing that the documents in question were submitted to the file in the first hearing of the 2nd High Criminal Court of Malatya, docket numbered 2016/102 – dated 14 / 06/2016- and it was stated in the report of the hearing that these documents will be placed in forensic custody.

We were referred to the Prosecutor's Office on 29/01/2016 after 3 days of detention within the scope of the file where Mehmet Tanriverdi was detained as a suspect... Until the statement of the prosecution, I did not disclose that I had a lawyer-client relationship with this person. In my statement on 29/01/2016, I made this issue to be written in the report with the relevant documents...

What happened afterwards:

While this person was in the police department, on 29/01/2016, he was taken to the notary under the supervision of 2 police officers (in other words while he was still in custody), and he was made to prepare a letter of dismissal. Thus, our attorney-client relationship was terminated with the help of the police department on 29/01/2016 at 11:00 ... A part of the notary fees were paid by the policemen...

The following issues are certain and undoubted:

Statement of Mehmet Tanriverdi (M.T.) at the hearing made on 26/07/2016,

Notary camera records sent to administrative investigation file upon my complaint,

The transaction date and time written on the Letter of Dismissal.

Mehmet Tanriverdi (M.T.) was released with the condition of judicial control on 29/01/2016... However I was arrested as a result of the trial that continued until midnight on 30/01/2016. I'm still under detention and captivity...

3- Because it was known that in Mehmet Tanriverdi (M.T.) 's statement at the police department on 26/01/2016 there was not a concrete crime accusation and a concrete evidence that would require my arrest and an indictment against me the relevant person's statement was taken for the second time on 17/02/2016 at the police department... According to this new statement;

I was accused of being responsible for the "courthouse organization" of the crime organization, and the 3 courthouse staff whose names were recorded suspects for the first time in the file were accused of being my crime partners and illegally transferring the information about the "Gülen Community" to me in the courthouse and I was accused of sharing them with my superiors...This is the only accusation against me in the indictment... And it is based on the second statement dated 17/02/2016... There is no other accusation against me in the indictment...

I underlined the previous sentence due to its importance...

Yes, I am aware that I am passing into history as a lawyer and a solicitor who was convicted on 30/01/2016 on the basis of the statement dated 17/02/2016!

The courts, the Supreme Court, Turkey Bar Association and the Bar Association of Malatya Province who have ignored and turned a deaf ear to a legal murder committed with me blatantly and in a careless manner for 50 months and council of judges and prosecutors who did not take action despite my complaint also are passing into history...

4-The indictment was accepted by the court. The trial began... When I read the fact that the only basis of the only accusation against me is the second statement dated 17/02/2016 and the indictment for which I was taken into custody was that I resisted against the police, I smiled bitterly as a man of law and advocate ...Because, according to the detention report dated 27/01/2016, it was written that after I called the police emergency phone 155 and made denunciation against the prosecutor, I was taken into custody upon the order of the prosecutor. There was neither a word nor a sentence saying that I "resisted against" the police in this report.

5- I obtained a copy of the entire file, approved as "Same As Original" from the office of the Heavy Penal Court. I obtained at the same time, the official document of counterfeiting, signed by the prosecutor which was forgotten in the file...

Attention Please!

There was a document that I was included in the file on 27/01/2016 by trickery- in fact by stealing a document from the file and adding a fake document instead of the real document-,

This document bearing the signature of the prosecutor on it was forgotten in the file and not noticed because it adhered to another document in the file,

This document was approved and signed by the office of the Malatya 2nd High Criminal Court, with the annotation "Same as Original" and scanned to UYAP (National Judiciary Informatics System),

This was an official document dated 26/01/2016 which showed the name of the suspects of the file dated 26/01/2016, in which my name DID NOT EXIST that could not be hidden because it was kept confidential until the first hearing day, 14/06/2016 and the content of which was written in the court hearing report dated 14/06/2016 as court observation.

Actually, what happened was that when I was included in the file as a lawyer, they removed the list of suspects which included the name of someone as M.C. and instead of this list they attached a fake list in which there was my name, and which did not bear signature, approval and date on it... Because the number of suspects in the file was registered before they removed the name of M.C. and added my name instead of M.C...

The policemen did not sign and approve this second list in order not to commit a crime... It was recorded in the hearing dated 14/06/2016 as a court observation that this list was unsigned, unapproved and undated...

It was recorded in the report of the hearing dated 14/06/2016 as a court observation that my name DID NOT EXIST among the suspects in the official document, signed by the prosecutor, scanned by UYAP (National Judiciary Informatics System) which was approved and signed by the office of the Court, with the annotation "Same As Original" and THERE WAS another person's name as M.C. instead of my name...

6- Mehmet Tanriverdi (M.T.) was heard at the second hearing on 26/07/2016... He denied and did not accept his statements taken in the police department before the court saying "I did not say such a thing" which was included in his second statement dated 17/02/2016 and according to which the only accusation against me was my being a part of the "courthouse organization" of the terrorist organization... In other words, he did not even accept a single word of his second statement dated 17/02/2016 taken in the police department...

Upon my question another very important statement of Mehmet Tanriverdi (M.T.) was recorded in the report of the hearing dated 26/07/2016 which is as follows: "I saw the lawyer included in my statement dated 26/07/2016 taken in the police department for the first time at the police department. I never met and knew him before..."

According to the Lawyer request report dated 26 01 2016 in the file, Mehmet Tanriverdi (M.T.) was told that a lawyer would be requested from the Malatya Bar Association so that his statement could be taken as a suspect...

The person said: "I have a private lawyer. My private lawyer's name is Ç. A. ... This is my private lawyer's phone number... I want my private lawyer to be called." Upon his declaration, his private lawyer, whose name and phone he gave ,was called for statement... This is exactly what is written in the report...

I am writing to you by begging your pardon:

I am disgusted.. I feel sick...

7-While I was being tried in Heavy Penal Court, I came across two new accusations; one of them was having bank account in Asya Katılım Bankası (Asian Participation Bank) and the other was using an internet communication program (bylock), which is not included in the indictment even with 1 word, which were not stated as crime evidence and which are not subject to punishment request...

When I saw that the documents related to the Bylock claim were unsigned and unapproved, I asked this situation to be included in the report... The court included this situation in the report with its own observation that the documents related to the Bylock claim were unsigned and unapproved at the hearing on 5 May 2017... In addition, due to the allegations of bylock, my statement was taken as a suspect in Malatya Chief Public Prosecutor's Office interrogation file number 2016/25610 ...

It was written in the report that the documents related to the Bylock claim in this investigation file were unsigned and unapproved... It was decided that there was no need for prosecution in this investigation file...

Malatya Chief Public Prosecutor's Office Inquiry file number 2016/25610 is a number given in the Malatya Courthouse because this file was sent to Malatya Chief Public Prosecutor's Office from Ankara Chief Public Prosecutor's Office with the decision of rejection of venue. Malatya Chief Public Prosecutor made a search in my house within the scope of this file upon the judgment given by Criminal Court of Peace of Malatya...

Attention please

The crime location of the file received from Ankara is: Ankara... Date of crime is: 15.07 2016... Crime: To try to eliminate the constitutional order...

Yes... as a man of law and advocate who has been under arrest and captivity since 27 01 2016, it is not possible for me to commit a crime in Ankara on 15/07/2016 because it is only possible for me to commit a crime in Ankara if I make a time travel from Malatya prison to the Future and come back to Malatya prison with the same machine after committing the crime.

I am writing to you again by begging your pardon:

I feel nauseous and I am disgusted.

I have filed a criminal complaint with a petition about those responsible by submitting documents related to the bylock claim to the court where I was tried and which were included in the file, because the documents related to the Bylock claim were unsigned and unapproved and they were counterfeit and fake documents and they were legally regarded as an empty piece of paper...

The court sent my criminal complaint petition to the Chief Public Prosecutor's Office to do the needful and take the necessary action ... Malatya Chief Public Prosecutor's Office took my statement as a complainant within the scope of the 2017/5393 interrogation file...

In the statement I gave as a complainant, I said the following: I insistently demand that because all the documents regarding the bylock claim about me sent to the file were prepared fake and those who prepared these fake documents would destroy them, the electronic and digital materials where my bylock recordings are claimed to be should be confiscated and their images should be taken immediately in order to prevent that those who prepared these documents can destroy them...

My request was not fulfilled. The file was tried to be closed by giving verdict of non-prosecution. I objected to the non-prosecution verdict ... I have been waiting for the result of my objection for 2 years. I have not received a notification about the fate of my objection so far...

I was sent to the Elazig T-type prison for no justified and legitimate reason from Malatya prison on 8 May 2017, after having recorded the documents regarding Bylock as unsigned and unapproved in the report in the hearing on 5 May 2017 as a court observation... Meanwhile, 2 hearings were held in my absence... I was not taken to hearings even through SEGBIS (sound and video information system)... Imaginary report were prepared about this situation as: "There is a SEGBIS (sound and video information system) malfunction" ...

8- The court demanded the issues specified below because the list of suspects in which my name DOES NOT exist was undated, unsigned and unapproved,

According to the official document bearing the prosecutor's signature which was forgotten in the file, and due to the fact that the name of M.C. was as suspect following were requested (this matter has also been written in the report as a court observation in the hearing held on 14 06 2016) in line with the interlocutory judgments dated 14 06 2016 in the hearing:

a) The original signed and approved suspect list showing the file suspects reported from the Malatya police department to the prosecutor's office should be sent to the court,

b) And the court asked Malatya Chief Public Prosecutor's Office to explain this situation (i.e. disgrace)...

What happened as a result?

Malatya Police Department did not send yet the original suspect list since 50 months...

Malatya Chief Public Prosecutor's Office stated that name of M.C. was reported not in writing but orally by the police department,

The court was answered as follows: "While the file was in Criminal Court of Peace, M.C.'s name was removed from the suspects with the discretion of the prosecutor's office without referring the situation to the judge..."

and the first paragraph of the document- which was forgotten in the file- showing the name of M.C. whose name was among the suspects which was written in the report as court observation in the first hearing held on 14/06/2016, bearing the signature of the prosecutor is as follows:

"... who was reported IN WRITING by Malatya Police Department and whose name and identity information is specified below..."

And the summary of the response of the Criminal Court of Peace to the court is as follows: The file was returned to the prosecutor's office before the copy of the file was taken ... There is no document in our court office other than the copy of the judgment ... The judgment was written out of the system (UYAP/National Judiciary Informatics System) and it was deleted from the computer ... "In other words, if there is a crime, I do not know and I was not informed".

Did you believe?

9- There were 3 court personnel who were detained and arrested with the allegation that we were crime partners after the statement dated 17 02 2016... The file of these 3 court personnel was separated from mine at the hearing dated 29 12 2016 and recorded in another file as number 286/2016 of the second High Criminal Court... Their trials were made separately from my file... As a result, 3 court personnel were acquitted and released...

The decision to separate the files has a very important legal consequence... As of 29/12/2016, they decided that these 3 court personnel had no action that would require them to be tried together with me. And at the point, they decided to acquit and release these 3 court personnel...

In other words, in the indictment I was left alone as the only person with the accusation of "courthouse organization" of the terrorist organization with the second statement dated 17/12/2016, ... 3 Courthouse personnel who were accused of giving me illegal information about the files were acquitted and released...

So, due to which accusations did I get the 10-year imprisonment sentence? These were due to two reasons as my "BANK ASYA" account and "BYLOCK" claim, which are not written in the indictment, of which a single word is not mentioned, which are not considered as evidence of crime and act according to the indictment, in other words these two issues as bank account and bylock accusation which are not even in the indictment were considered as the proof and evidence of the crime...

Since a matter that is not claimed in the indictment, which is not considered as evidence and action of crime has been made a reason for conviction, the conviction decision against me is null and void in accordance with article 225 of the Criminal Procedure Law in domestic law...

It is a shame in terms of law to consider having an account in a bank -that is subject to supervision and that is operating with the permission of the state- a reason of crime.

It is a second embarrassment to make the bylock claim -which was written in the report included in the inquiry file of the Malatya Chief Public Prosecutor's Office number 2016/25610 in the hearing dated 5 May 2012 because it was unsigned and unapproved- a reason of crime which was recorded as a court observation. After all, even if such a communication program is used, it is not a crime to use it.

The freedom of communication and the confidentiality of this freedom are among the fundamental rights and freedoms. It is a crime to consider the use of fundamental rights and freedoms as a crime, while it is also a crime against humanity...

Another reason for conviction -which is again not included in the indictment- is that I make contractual legal counseling of commercial companies, which are allegedly related to the Gülen Community, which is strictly not a crime.

Could there be such a crime?

10- I submitted all of the things I wrote hereto my file with petitions during the prosecution, appeal and appeal phases... There are also petitions submitted by my lawyers... Everything written above was explained in detail in the petition of 29 pages 20/11/2017 submitted to the First Instance Prosecution Court ... They didn't even read...

The same issues were repeated with petitions of 27 pages submitted to the District Court on 07/02/2018... They did not hear and did not see...

And dozens of petitions were sent to the Supreme Court which is Court of Appeals... The mentioned issues were explained in detail... The Supreme Court of Appeals Prosecutor's Office notification, which must be notified to the parties of the file immediately, has not been sent for 15 months... Supreme Court of Appeals Prosecutor's Office notification prepared by the Supreme Court Criminal Office on 04 12 2018 docket number: 2019/1529 has not been served yet.

The file has been kept in the Supreme Court since 18 months... They do not give judgment due to the mentioned issues, they are surprised what to do... Because it is not possible to deny counterfeiting acts that constitute crime and which has legal and criminal responsibility...

There are evidences which cannot be denied!

I sent 14 appeal petitions against my detention to the Supreme Court of Appeals during 14 months, almost one petition each month... They are all in the records... They haven't even answered one of them since 14 months... They cannot answer then due to the situation I explained... Because, if they discuss one of my petitions against my detention and bring it to the agenda they have to release me... The European Court of Human Rights regards as a violation of rights if the judgment to detention appeal petition is given after 23 days of such request...

In brief; none of the issues I mentioned in my petitions, which I submitted to my file during prosecution and appeal phases have not been met so far.

I do not want to talk about other murders of law experienced by about other 20 people, since it would not be appropriate for me to write them here without the permission and knowledge of them and their lawyers.

Is the situation of those convicted from other files very different? In my 50-month of captivity and prison days, I met hundreds of innocent and oppressed people who have received decades of punishment due to having bank account, having magazine and newspaper subscription, using communication program, making press release, making domestic and international travels, making association donations, making meat and food aid for those in need and talking in chat platforms...

As a man of law and advocate , I know very well that justice will not be achieved by courts at a time when the use of fundamental rights and freedoms is considered a crime and accusations and punishments are given illegally and when murders of law are committed.

The situation of the courts is obviously seen by everybody... Considering the attitudes of Malatya Bar Association and the Bar Association of Turkey of which I am member and which have to protect my rights arising from being a lawyer in this situation when I have been exposed to a murder of law, they just ignored and overlooked my situation... Although I applied officially Malatya Bar Association did not assign the Bar Association Lawyer 's Rights Commission for 50 months, maybe they did not dare, who knows...!!!

Even though my body is under arrest I am free spiritually and intellectually ... I am still living on the same date in the same place when I was captured and detained in terms of law, democracy, human rights, the rule of law and the values I believe in...

I am one of those who accept an honorable prison life as an honor with the peace of mind due to my innocence and clean hands, and as a man of law and advocate ...

Stay in good health...

16 March 2020

Turan Canpolat

/Signature/

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